

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF ARKANSAS

RICHARD SHEPPARD ARNOLD UNITED STATES COURTHOUSE

500 W. CAPITOL, ROOM D444

LITTLE ROCK, ARKANSAS 72201-3325

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November 21, 2007

LETTER ORDER

Ms. Deborah Ruth Sallings
Cauley Bowman Carney & Williams, LLP
Post Office Box 25438
Little Rock, AR 72221-5438

Re: *Damien Echols v. Norris*, 5:04-CV-00391WRW

Dear Ms. Sallings,

I have reviewed and considered your second amended petition for writ of habeas corpus and the memorandum in support.

On November 7, 2007, I granted your motion to file the second amended habeas petition. However, after reviewing your petition and memorandum, it appears that you have not yet exhausted your state remedies (Doc. No. 20 at 5, 9).

Isn't it well settled that the state courts should have an opportunity to address a petitioner's claims of constitutional error before those claims are presented to the federal court? 28 U.S.C.A. § 2254; *Rhines v. Weber*, 544 U.S. 269 (2005); *Coleman v. Thompson*, 501 U.S. 722, 731-33 (1991).

I plan to hold your second amended petition in abeyance pending exhaustion of state court remedies. You must file your amended petition with the Court no later than sixty (60) days after the state court's disposition. In addition, I request that you file monthly status reports to inform the Court of the status of state court proceedings. You must begin filing the monthly status reports on January 3, 2008. The Clerk of the Court is directed to hold the second amended petition in abeyance (Doc. Nos. 20, 21).

Finally, this Order renders the Attorney General's motion for determination of time to respond and alternative motion for extension of time (Doc. No. 28) moot at this time.

Cordially,

/s/Wm. R. Wilson, Jr.

Wm. R. Wilson

Original to the Clerk of the Court

cc: Mr. Dennis P. Riordan

Ms. Theresa A. Gibbons

Mr. Donald M. Horgan

Ms. Lauren Elizabeth Heil, Office of the Attorney General

Mr. Brent P. Gasper